

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DIANA SALSBURG,	:	
Plaintiff	:	CIVIL ACTION NO. 3:16-1178
v.	:	(JUDGE MANNION)
CAROLYN W. COLVIN,	:	
Commissioner of Social Security,	:	
Defendant	:	

MEMORANDUM

Pending before the court is the report of Judge Martin C. Carlson, which recommends that the final decision of the Commissioner denying the plaintiff's claim for disability benefits be vacated and that the case be remanded to the Commissioner for further proceedings pursuant to 42 U.S.C. §405(g). (Doc. [19](#)). The Commissioner has waived the opportunity to file objections to Judge Carlson's report. (Doc. [20](#)). The plaintiff has not filed any objections to Judge Carlson's report and the time within which she was permitted to do so has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Carlson for recommending that this case be remanded to the Commissioner to properly evaluate the medical opinion evidence and to re-evaluate the plaintiff's residual functional capacity based on a proper assessment of the evidence. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: February 14, 2017

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